

1 THE HONORABLE JAMES L. ROBART
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

13 MICROSOFT CORPORATION, a
14 Washington corporation,

15 Plaintiff,

16 v.

17 MOTOROLA, INC., MOTOROLA
18 MOBILITY LLC, and GENERAL
19 INSTRUMENT CORPORATION,

20 Defendants.

21 No.: 2:10-1823-JLR

22 NON-PARTY VIA LICENSING
23 CORPORATION'S MOTION FOR
24 CLARIFICATION OF ORDER
25 GRANTING IN PART AND DENYING IN
26 PART MOTIONS TO SEAL

NOTE ON MOTION CALENDAR:

November 13, 2012

18 **I. INTRODUCTION**

19 Via Licensing Corporation—a non-party to this lawsuit—moved to seal several
20 confidential documents. Among other confidential documents that Via Licensing asked to be
21 sealed were certain licensing agreements, specifically: (1) the executed 802.11 Interim
22 Licensing Committee Agreements (“ILCAs”) (trial exhibits 3185-3192), and (2) the executed
23 802.11 Commercialization Agreement (“ComAg”) (trial exhibits 1144, 3184, and 3205).¹

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26 ¹ Dkt. No. 543. Via Licensing has now been able to match up its documents with the parties' trial
exhibits. *See* Dkt. No. 550-1.

1 Yesterday, the Court issued an Order granting in part and denying in part several motions to
 2 seal filed by the parties and non-parties alike, including Via Licensing, ordering that the
 3 licensing agreements that are the subject of those motions be provisionally sealed.²

4 With respect to the motions filed by non-parties, the Court ruled as follows: “All of
 5 these non-party motions seek to seal the terms of licensing agreements entered into with
 6 Motorola, Microsoft, and other non-parties.”³ The Order lists several documents of the
 7 parties to be provisionally sealed, but does not explicitly include the non-party documents,
 8 including Via Licensing’s agreements. Thus, Via Licensing respectfully requests that its
 9 licensing agreements be specifically identified by trial exhibit number (1144, 3184-3192, and
 10 3205) and provisionally sealed on the record to ensure that they are treated as such by the
 11 parties and the Clerk, consistent with the Court’s Order of November 12, 2012.

12 **II. ANALYSIS**

13 In its prior motion, Via Licensing requested that confidential agreements with its
 14 patent licensors—the executed 802.11 ILCAs and the executed 802.11 ComAg—be sealed.⁴
 15 These documents contain proprietary licensing terms, confidential royalty sharing terms,
 16 confidential licensing strategies, and other highly-sensitive information that give Via
 17 Licensing its competitive edge in the marketplace.⁵ As noted above, the Court has ruled that
 18 such licensing agreements should be provisionally sealed.

19 **III. CONCLUSION**

20 For the above reasons, Via Licensing respectfully requests that the Court order that
 21 Trial Exhibits 1144, 3184-3192, and 3205 be provisionally sealed and treated in accordance

22 ² Dkt. No. 567.

23 ³ *Id.* at 13.

24 ⁴ Dkt. No. 544 (Declaration of Keith P. Gray in Support of Non-party Via Licensing Corporation’s
 25 Motion to Seal Trial Exhibits (“Gray Decl.”) at ¶ 11).

26 ⁵ *Id.*

1 with the Court's November 12, 2012 Order as it pertains to licensing agreements.

2 DATED: November 13, 2012

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5 /s/ Matthew J. Sekits

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2012, I electronically filed the foregoing with the Clerk of the Court using the e-filing system which will send notification of such filing to the persons listed below:

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